

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CR-23-199-2-SLP
	)	
LE XU,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is the Government’s Motion for Order Finding that Defendant has Waived Attorney-Client Privilege [Doc. No. 287]. The Court previously ordered the Government to respond to Defendant’s § 2255 Motion in which he raises ineffective assistance of counsel claims as grounds for relief. The Government advises the Court that evidence related to attorney-client communications, to include an affidavit from Defendant’s prior attorney, Irven Box, is needed so that the Government may properly address the allegations of ineffective assistance made by Defendant. The Government requests that Mr. Box be directed to provide the affidavit on or before June 6, 2025.<sup>1</sup> The Government further seeks an extension of time to respond to the § 2255 Motion until June 30, 2025.

The Court finds Defendant has placed in issue communications between himself and his attorney by raising claims of ineffective assistance of counsel. Defendant,

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<sup>1</sup> The Government represents that Mr. Box has advised that a deadline of June 6, 2025 will provide him adequate time to prepare the affidavit.




therefore, has impliedly waived the attorney-client privilege as to those communications necessary to prove or disprove his ineffective assistance of counsel claims. *See United States v. Pinson*, 584 F.3d 972, 977-78 (10th Cir. 2009).

IT IS THEREFORE ORDERED that the Government's Motion for Order Finding that Defendant has Waived Attorney-Client Privilege [Doc. No. 287] is GRANTED.

IT IS FURTHER ORDERED that Mr. Box shall provide to the Government a responsive affidavit as to the issues raised by Defendant's § 2255 Motion on or before June 6, 2025. The Government's response deadline is extended to June 30, 2025.

IT IS SO ORDERED this 30th day of May, 2025.

  
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SCOTT L. PALK  
UNITED STATES DISTRICT JUDGE